

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
CANTON DIVISION

In re:

RICHARD K LEEDY

Debtor.

Case No. 21-60338-RKK

Chapter 7

Judge Russ Kendig

**APPLICATION FOR AUTHORITY TO EMPLOY
RUSS KIKO ASSOCIATES, INC. AS TRUSTEE'S AUCTIONEER**

Now comes Anthony J. DeGirolamo, Chapter 7 Trustee, by and through counsel, and hereby makes this Application for Authority to Employ Russ Kiko Associates, Inc. as auctioneer for the purpose, reasons, and upon the terms set forth in this Application:

1. The Debtor filed a voluntary petition under Chapter 7 of the United States Bankruptcy Code on March 19, 2021, with Anthony J. DeGirolamo being appointed to serve as the Trustee and is hereinafter referred to as the "Trustee."

2. The Trustee seeks the Court's authorization to employ Russ Kiko Associates, Inc. ("Auctioneer") to conduct a public auction sale of certain personal property of the Debtor, consisting of a 1999 Winnebago Trace which has a scheduled value of \$8,000.00.

3. The Trustee is informed and believes that the Auctioneer has the appropriate auction skills needed to perform the auction. The Auctioneer and George Kiko have agreed to perform such auction of the personal property and have agreed to accept as its fee such amounts as are determined

by the Court.

4. Subject to court approval, the Trustee and the Auctioneer have agreed that the Auctioneer is to be compensated as follows: commission of ten percent (10%) of the gross proceeds of the sale paid by the estate. The Auctioneer will also charge a ten percent (10%) buyer's premium to the purchaser(s) to cover the expenses of the auction including the 2% Proxibid online bidding platform fee, 4% credit card transaction fees, and 2% advertising/promotional charges and facility rental fee. The Auctioneer's additional expenses are estimated to be \$500.00.

5. The Trustee believes that the granting of this Application is in the best interest of the creditors and the estate.

6. The Trustee has attempted to determine whether the Auctioneer or George Kiko are disinterested persons within the meaning of 11 U.S.C. §101(14) and Rules 2014 and 2016(a) of the Federal Rules of Bankruptcy Procedure. Attached hereto and incorporated herein is a Declaration and Verified Statement of George Kiko supporting the Trustee's conclusion that George Kiko is a disinterested person within the meaning of the Bankruptcy Code and Rules.

7. George Kiko is aware of the provisions of 11 U.S.C. §328 and has agreed on his own behalf and on behalf of the Auctioneer, notwithstanding the terms and conditions of employment set forth herein, that the Court may allow compensation different from the compensation provided herein if such terms and conditions prove to have been improvident in light of developments unanticipated at the time of the fixing of such terms and conditions.

8. For the foregoing and all other necessary and proper purposes, the Trustee desires to retain Russ Kiko Associates, Inc. and George Kiko as the Trustee's auctioneer in this case.

WHEREFORE, the Trustee prays that this Application be granted and that the Trustee be authorized to employ Russ Kiko Associates, Inc. as auctioneer to conduct an auction sale of the Debtor's personal property on the terms and conditions contained in this Application.

Respectfully submitted,

/s/ Anthony J. DeGirolamo
Anthony J. DeGirolamo (0059265)
3930 Fulton Dr N.W., Suite 100B
Canton, OH 44718
Telephone: (330) 305-9700
Facsimile: (330) 305-9713
Email: tony@ajdlaw7-11.com

CHAPTER 7 TRUSTEE

CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2021, a copy of the foregoing Application was electronically transmitted via the Court's CM/ECF system to those listed on the Court's Electronic Mail Notice list:

- Edwin H. Breyfogle edwinbreyfogle@gmail.com,
breyfogleer84552@notify.bestcase.com
- Anthony J. DeGirolamo, Trustee - Canton tony@ajdlaw7-11.com, amber@ajdlaw7-11.com;ad@trustesolutions.com;AD07@trustesolutions.net
- United States Trustee (Registered address)@usdoj.gov

/s/ Anthony J. DeGirolamo
Anthony J. DeGirolamo

The undersigned hereby certifies that a copy of the foregoing Application was served via regular U.S. Mail, postage prepaid, upon those listed below, this 17th day of June, 2021.

/s/ Anthony J. DeGirolamo
Anthony J. DeGirolamo

Russ Kiko Associates, Inc.
Attn: George Kiko
2722 Fulton Drive NW
Canton, Ohio 44718

EXHIBIT A

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
CANTON DIVISION

In re:

RICHARD K LEEDY

Debtor.

Case No. 21-60338-RKK

Chapter 7

Judge Russ Kendig

**DECLARATION AND VERIFIED STATEMENT OF
GEORGE KIKO, RUSS KIKO ASSOCIATES, INC.**

The undersigned, George Kiko, hereby states:

1. He is an auctioneer duly licensed by the State of Ohio to conduct a public auction of the assets described in the annexed Application to Employ Auctioneer (the "Application").
2. That he is an employee of Russ Kiko Associates, Inc., and that all the employees of Russ Kiko Associates, Inc. who may be rendering similar services are also duly licensed auctioneers in the State of Ohio.
3. That he has read the Application and that he and Russ Kiko Associates, Inc., agree to and approve all the terms and conditions therein.
4. That neither he nor Russ Kiko Associates, Inc. has any connection with the Debtor, the Trustee, the Creditors, or any other party in interest, or their respective attorneys and/or accountants, the United States Trustee or any person employed in the Office of the United States Trustee.

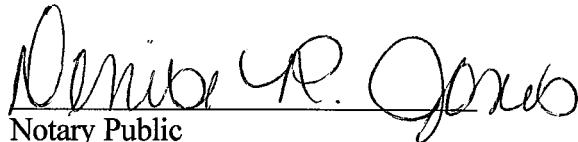
5. That he and Russ Kiko Associates, Inc. are disinterested persons and do not hold or represent any interest adverse to the interest of the estate.

6. That neither he nor any employee of Russ Kiko Associates, Inc. is a relative of the Bankruptcy Judge approving the employment of Russ Kiko Associates, Inc., and no employee of Russ Kiko Associates, Inc., including George Kiko, is or has been connected with the United States Trustee or the Bankruptcy Judge so as to render the appointment of Russ Kiko Associates, Inc. improper.

Verified under penalty of perjury that the foregoing is true and correct this 17th day of June, 2021.


George Kiko

SWORN TO BEFORE me and subscribed in my presence by George Kiko on this 17th day of June, 2021.


Notary Public



DENISE R. JONES
Notary Public, State of Ohio
My Commission Expires 03-08-2023

EXHIBIT B

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
CANTON DIVISION

In re:

RICHARD K LEEDY

Debtor.

Case No. 21-60338-RKK

Chapter 7

Judge Russ Kendig

**ORDER AUTHORIZING THE TRUSTEE TO RETAIN
AND EMPLOY RUSS KIKO ASSOCIATES, INC.**

This matter coming to be heard on the Application of the Trustee for Authority to Retain and Employ Russ Kiko Associates, Inc. (the “Auctioneer”) (the “Application”), filed by the duly appointed chapter 7 trustee in the above-captioned chapter 7 case (the “Trustee”); the Court having reviewed the Application and the Disclosure of Compensation and Verified Statement of George Kiko, attached to the Application as Exhibit A (the “Verified Statement”); the Court finding that: (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); (c) venue of this chapter 7

case and the Application is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and (d) notice of the Application was sufficient under the circumstance; and the Court having determined that the legal and factual bases set forth in the Application and the Verified Statement establish just cause for the relief granted herein;

IT IS HEREBY ORDERED THAT:

1. The Application shall be, and hereby is, GRANTED.
2. Capitalized terms not otherwise defined herein have the meanings given to them in the Application and the Verified Statement.
3. The Trustee is authorized to retain and employ the Auctioneer as auctioneer in the Debtor's chapter 7 case, pursuant to section 327(a) of the Bankruptcy Code or Bankruptcy Rule 2014, and the terms set forth in the Application.
4. The Auctioneer shall be compensated for such services and reimbursed for any related expenses at the closing of the sale of the Debtor's personal property in accordance with applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, the Local Bankruptcy Rules and any other applicable orders of this Court.

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PREPARED BY:

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Telephone: (330) 305-9700
Facsimile: (330) 305-9713
Email: tony@ajdlaw7-11.com

CHAPTER 7 TRUSTEE

CERTIFICATE OF SERVICE

I hereby certify that on _____, 2021, a copy of the foregoing Order was electronically transmitted via the Court's CM/ECF system to those listed on the Court's Electronic Mail Notice list:

- Edwin H. Breyfogle edwinbreyfogle@gmail.com,
breyfogleer84552@notify.bestcase.com
- Anthony J. DeGirolamo, Trustee - Canton tony@ajdlaw7-11.com, amber@ajdlaw7-11.com;ad@trustesolutions.com;AD07@trustesolutions.net
- United States Trustee (Registered address)@usdoj.gov

Deputy Clerk

The undersigned hereby certifies that a copy of the foregoing Order was served via regular U.S. Mail, postage prepaid, upon those listed below, this _____ day of _____, 2021.

Deputy Clerk

Russ Kiko Associates, Inc.
Attn: George Kiko
2722 Fulton Drive NW
Canton, Ohio 44718